Judge Names Date After Statement From Reuben R. Arnold, In Which He Said Trial Would Last Two Weeks

DEFENSE TAKES STEPS TO GET STATE'S EVIDENCE

Subpoenas Duces Tecum Issued, Demanding Production of Affidavits and Papers in Possession of Solicitor

Leo M. Frank, accused of the slaying of Mary Phagan, will not be tried before superior court Judge L. S. Roan next Monday. The judge in a conference with attorneys at 2 o'clock Tuesday afternoon formally set the trial for Monday, July 28, and no attempt to reopen the questions of arraignment will be made. Both the prosecution and the defense agreed to this date.

Any attempt made to put Frank on trial on next Monday was silenced when Reuben R. Arnold, speaking for the defense, said flatly that the trial would take at least two weeks. The assurance that the trial would last some time and the fact that it likely would be held in the stuffy little court room in the Thrower building, if scheduled Monday, practically caused the postponement.

Solicitor Dorsey, for the state, and Luther Z. Rosser and Reuben R. Arnold, for the prosecution, were summoned to the court house by Judge Roan at 3 o'clock and a discussion of the matter was opened.

SOLICITOR ANNOUNCED READY.

Solicitor Dorsey announced that he was ready and made the declaration that his witnesses would not take more than two days at the outside. He said if the defense had any he didn't think they would take any longer.

This remark brought a grunt from Luther Z. Rosser and the Arnold statement that the trial would take two weeks.

"We have the witnesses," both of the lawyers for the defense asserted.

Both Attorneys Rosser and Arnold told the court that in the event of a postponement of the case for Monday that they desired it to

go over until after the week of July 14, when both would be engaged in the trial of Mattie Flanders in Swainsboro. Mr. Rosser represents the defense of Mrs. Flanders and Mr. Arnold the prosecution.

This came when Solicitor Dorsey suggested that the case be tried on July 7.

Judge Roan, in fixing July 28 as a date suitable to all concerned, said that there would be no break in the week, as there would with July 4, that a good court room for the trial could be obtained about July 13, that the jail could be cleared of routine cases by that time and previously made engagements would not be interrupted.

All lawyers concerned were in court and the judge asserted that lack of preparation could not be offered as an excuse when the case was called on July 28.

The attorneys for Leo M. Frank Tuesday afternoon secured subpoenas duces tecum to be served on Chief James L. Beavers, Chief N. A. Lanford, Solicitor Hugh M. Dorsey, Assistant Solicitor E. A. Stevens, Harry Scott of the Pinkertons; City Detectives John Black, Pat Campbell and J. N. Starnes, and Secretary of Chief Lanford, G. C. Febuary, calling upon them to produce in court Monday June 30, or any other day that the Frank case might be on trial, all affidavits or statements secured from Jim Conley, the negro sweeper; Monteen Stover and Grace Hix.

Subpoenas declared that the papers are wanted as evidence by the defense in the case of Leo M. Frank.

ALL PAPERS DEMANDED.

The subpoenas duces tecum order those upon whom they are served to produce a certain affidavit or statement sworn to by James Conley in the presence of Detective John Black and Harry Scott, on May 18; also affidavits or statements made by Conley on May 24; also a certain written affida-[…]

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JULY 28 IS DATE AGREED UPON FOR TRIAL OF FRANK

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[…]vit or statement made and signed by Conley on May 28 in the presence of Chief Lanford and Detectives Black and Scott; also an affidavit made by Conley on May 28 in the presence of Lanford and Scott; also an affidavit or statement made by Conley on May 29 in the presence of Chief Lanford and Detectives Campbell and Scott; also "all other statements or affidavits made by James Conley in your power, custody or control, in reference to the murder of Mary Phagan."

The subpoenas further demand the production of all statements or affidavits made by Newt Lee in reference to the case; also all affidavits or statements made by Monteen Stover; also all statements made by W. M. Mathews; and finally all statements or affidavits made by Grace Hix.

The subpoenas provide that the papers named shall be produced in court on Monday, June 30, or on any other day that the case of the State vs. Leo M. Frank might be on trial.

It is evident by this move of the part of the defense that Mr. Frank's attorneys propose to lay great stress upon the conflicting statements and affidavits made by the negro Conley as the real murderer of Mary Phagan, and his numerous statements in reference to the case will doubtless be used to show the unreliability of his evidence against Frank.

POINT TO BE CONTESTED.

While Solicitor Dorsey absolutely declined to discuss the demands of the defense for the production of the papers and affidavits secured by the state in its investigation of the Phagan tragedy, it is evident that the papers will not be turned over to the defense without a bitter fight. The papers unquestionably will be brought to court by those who not have them in custody, but before the defense is permitted access to them it is believed that the state

will contest the point before the judge. Just how this will be done is not known.

Frank H. Hooper, the attorney who will be associated with the solicitor in the prosecution, was in conference with Solicitor Dorsey and Detectives Starnes, Campbell and Harry Scott for several hours Tuesday morning. The nature of this conference was not known but it is believed that they were going over the evidence in the Phagan case, getting ready for the trial.

WHAT IS THIS EVIDENCE?

There is considerable speculation as to the nature of the statement or affidavit made by W. M. Mathews, which is among the papers demanded by the defense. Both Chief Beavers and Chief Lanford declare that they never heard of Mathews in connection with the Phagan case before. It seems probable, therefore, that Mathews' statement is part of the evidence secured by Solicitor Dorsey. The only W. M. Mathews whose name is in the city director is a street car motorman living at 449 Lee street.

CONFER WITH RELATIVES.

Detectives working on the Phagan case Monday afternoon held a conference at Chief Lanford's office with J. W. Coleman, step-father of the slain girl, and W. J. Phagan, the aged grandfather, of Marietta.

The two men visited police headquarters at the request of the detectives and discussed every feature of the case to be brought out at the trial of Leo M. Frank.

It is said the two men went to headquarters for conference following the last attempt on the part of Solicitor Dorsey to gain new information from Jim Conley, the negro witness. Conley, it is said, was quizzed again Monday, but the examination, so officials assert, developed nothing new.